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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/657,431	09/07/2000	Dominique P. Bridon	REDC-2201 USA	1545

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EXAMINER

CHISM, BILLY D

ART UNIT	PAPER NUMBER
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1654

DATE MAILED: 06/17/2003

15

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/657,431

Applicant(s)

BRIDON ET AL.

Examiner

B. Dell Chism

Art Unit

1654

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 April 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 and 19-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 10-12 and 19-21 is/are allowed.
- 6) ☒ Claim(s) 1-9 and 13-16 is/are rejected.
- 7) ☒ Claim(s) 3-5 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 10.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

Art Unit: 1654

DETAILED ACTION

This Office Action is in response to Paper No. 14, filed 02 April 2003, wherein Applicants have canceled the response file 18 March 2003, pursuant to discussions with the Examiner on 01 April 2003, and replace the response with the response of Paper No. 14. Claims 1-16 and 19-21 are under consideration. Claims 17-18 are canceled.

Information Disclosure Statement

The Information Disclosure Statement has been considered. The request for a replacement IDS is withdrawn and copies were located.

Withdrawal of Objections and Rejections

The rejections and/or objections made in the prior office action filed on 19 November 2002, which are not explicitly stated below, in original or modified form are withdrawn.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Objections

1. Claims 3-5 are objected to because of the following informalities: claims 3-5 are dependent claims that further limit the parent claims, thus, the use of "A" to refer to the kringle 5 peptide of the claims from which they depend, is improper and the word "A" should be deleted and "The kringle 5 peptide." Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. Claims 1-9 and 13-16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1-4 are rejected for the indefinite recitation of "modified" and "derivative" wherein it is unclear if the claimed invention is a "modified" peptide or a peptide "derivative."

Claims 5-6 are rejected for depending from rejected claims.

Claim 7 is rejected for the indefinite recitation of the phrase "or analog thereof," wherein it is unclear if the claim is drawn to an analog of the peptide derivative or if the claim is drawn to both a derivative of the peptide and an analog of the peptide.

Claims 8-9 are rejected for depending from rejected claim 7.

Claim 13 is rejected for the indefinite recitation of the phrase "treating angiogenesis." The claims are drawn to anti-angiogenesis compounds, however, claim 13 reads as if treating angiogenesis is inhibiting or reducing angiogenesis and enhancing or stimulating angiogenesis. The claim should be amended to read as the compound is for the inhibition or reduction of angiogenesis in patients in need thereof.

Claims 14-16 are rejected for depending from rejected claim 13.

Conclusions

Claims 3-5 objected to, and claims 1-9 and 13-16 are rejected. Claims 10-12 and 19-21 are free of the prior art and allowable.

Art Unit: 1654

Any inquiry concerning this communication or earlier communications from the examiner should be directed to B. Dell Chism whose telephone number is 703-306-5815. The examiner can normally be reached on 7:30 AM - 4:30 PM, Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brenda Brumback can be reached on 703-306-3220. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-4242 for regular communications and 703-308-4242 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1235.

B. Dell Chism
16 June 2003

Brenda Brumback
BRENDA BRUMBACK
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1500